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Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of:)
)
Establishing Rules and Policies for the Use)
Of Spectrum for Mobile-Satellite Service)
In the Upper and Lower L-Band)
_____)

IB Docket No. 96-132

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OFFICE OF THE SECRETARY

**COMMENTS IN SUPPORT OF
MOTION TO REFRESH THE RECORD**

Globalstar, L.P., and L/Q Licensee, Inc. ("LQL") (collectively, "Globalstar") are filing these comments in support of the "Motion to Refresh the Record" in the above-referenced proceeding filed by Motorola, Inc., and Iridium LLC (collectively, "Iridium"), on April 15, 1999.

LQL is the licensee of the Globalstar™ Mobile-Satellite Service ("MSS") Above 1 GHz satellite system, and is authorized to use the 1.6/2.4 GHz bands for transmission links between satellites and users.¹ Globalstar, L.P., a Delaware limited partnership, holds the right to offer capacity on the Globalstar system and owns and operates the international MSS business. Globalstar has an interest in

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¹ See Loral/Qualcomm Partnership, L.P., 10 FCC Rcd 2333 (Int'l Bur. 1995). The license was later assigned to LQL, a wholly-owned subsidiary of LQP.

this proceeding as described in comments filed by LQL on the proposals in the original “Notice of Proposed Rulemaking.”²

Globalstar urges the Commission to take the action recommended by Iridium, that is, to issue a “Further Notice of Proposed Rulemaking” for the purpose of updating the record on which to evaluate rules and policies governing use of the lower and upper L-band. Motion, 3-9. Comments on the original “Notice of Proposed Rulemaking” in this docket were filed two and one-half years ago. As Iridium points out, since that time, there have been substantial changes in the competitive and regulatory environments for MSS in the United States, which undermine the premises of the Commission’s proposed rules and policies for the L-band. These changes are so pervasive as to make the record in this proceeding essentially meaningless as well as stale. Accordingly, Globalstar agrees with Iridium that the passage of time has made it essential for the Commission to issue a “Further NPRM,” and to seek additional comments from interested parties.

For example, in the L-Band NPRM, the Commission proposed to license the lower L-band on an exclusive basis to AMSC Subsidiary Corporation. The Commission reasoned that it should promote MSS provided by geostationary satellite systems and that it needed to provide AMSC with sufficient spectrum to

² Establishing Rules and Policies for the Use of Spectrum for Mobile-Satellite Service in the Upper and Lower L-Band, 11 FCC Rcd 11675 (1996) (“L-Band NPRM”); see “Comments of L/Q Licensee, Inc., and Opposition to Proposed Modification of License” (filed Sept. 3, 1996).

develop a successful business.³ Iridium has explained why the assumptions underlying these policies have changed over the past two and one-half years.

Globalstar also notes that the proposed exclusive assignment of spectrum to AMSC is inconsistent with more recent policy. In particular, the Commission recently sought comment on sharing techniques between satellite systems of like orbit and between nongeostationary and geostationary systems at Ku-band.⁴ And, in a recent NPRM proposing licensing and service rules for MSS at 2 GHz, the Commission proposed to license all nine applicants, including geostationary and nongeostationary systems, and require them to share the available spectrum through intersystem coordination and/or band segmentation.⁵ These rulemakings represent an advancement in the Commission's policy on spectrum management and a recognition of the need to improve the efficient use of scarce spectrum resources allocated for MSS. Accordingly, the Commission should reconsider whether it is necessary, consistent with current policy, and non-discriminatory to assign the lower L-band to AMSC on an exclusive basis.

Finally, Globalstar notes that the Commission has accepted for filing a number of applications for authorizations in the lower L-band by service providers

³ See L-Band NPRM, 11 FCC Rcd at 11680-81.

⁴ See Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the Ku-band Frequency Range, FCC 98-310 (released Nov. 24, 1998).

⁵ See The Establishment of Policies and Service Rules for the Mobile Satellite Service in the 2 GHz Band, FCC 99-50 (released Mar. 25, 1999).

proposing to use AMSC's satellite and by foreign satellite systems.⁶ Yet, in the L-Band NPRM, the Commission proposed to authorize only AMSC and not to accept applications for use of the lower L-band until the amount of spectrum available to AMSC has been determined.

The acceptance of these applications creates obvious inconsistencies in the Commission's proposals for the lower L-band. For example, although it has accepted applications for authority to use the lower L-band, the Commission has not proposed licensing and service rules for operators in the lower L-band (other than AMSC) against which to evaluate the pending applications. Moreover, the Commission's action in accepting these applications discriminates against potential applicants who took the Commission at its word in the L-Band NPRM and have not filed applications to use this spectrum.

The Commission should rectify these inconsistencies by re-noticing its policies and rules for the lower L-band. It should also reconsider how it will treat applicants to use the lower L-band, and either dismiss all pending applications, or open a processing round which includes these applicants and others, to ensure that all interested parties have an equal chance to compete for the available spectrum.

⁶ Globalstar has opposed the applications of six companies proposing to use the lower L-band. See Applications of SatCom Systems, Inc., File No. 647-DSE-P/L-98; TMI Communications and Company, L.P., File No. 730-DSE-P/L-98; KITComm Satellite Communications Ltd., File Nos. 85-SAT-LOI-98 & 123-SAT-MISC-98; GE LogistiCom, Inc., File No. 1263-DSE-P/L-98; Eaton Corporation, File No. SES-LIC-19980821-01124; Newcomb Communications, Inc., File No. SES-LIC-19980415-00436. GE LogistiCom has subsequently withdrawn its application.

Indeed, as Iridium points out (Motion, at 9-12), further review of the L-band policies would be meaningful only if the Commission holds in abeyance action on these pending applications.

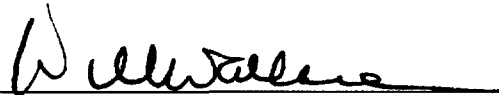
Accordingly, for the reasons set forth in Iridium's Motion and above, the Commission should issue a "Further NPRM" regarding use of the L-band, hold all pending applications for the L-band in abeyance, and open a filing window for interested parties to file applications to use the lower L-band frequencies.

Respectfully submitted,

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Date: April 26, 1999

CERTIFICATE OF SERVICE

I, William D. Wallace, hereby certify that I have on this 26th day of April, 1999, caused true and correct copies of the foregoing "Comments in Support of Motion to Refresh the Record" to be served via hand delivery (indicated by an *) or first-class United States mail, postage prepaid, upon:

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